IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.2435 OF 2006

Prashant Bhawarlal Jain .. ..Petitioner

Versus

Shaikh Ismail Abdul Gani & Ors. .. ..Respondents

Mr.P.S.Dani i/b Ms J.S.Birje for petitioner

Mr.P.K. Hushing for respondent no.2

CORAM : P.V.KAKADE, J.

DATE : 26TH APRIL, 2006

P.C.:

1. Heard the learned counsel for both the parties. Perused the record.

2. The petitioner obstructionist has preferred this petition against the judgment and order passed by Addl. District Judge, dated 6.3.2006 dismissing the appeal of the obstructionist and confirming the

judgment and order passed by Small Causes Court, Pune dismissing the obstructionist's application under Order 21 Rule 97 of C.P.C.

3. The perusal of the judgment of both the courts below definitely shows that the evidenital aspect revealed from the record is appreciated in proper perspective. In Regular Civil Suit No.223 of 1999 one Futarmal Jain had claimed that he was doing the partnership business in the suit premises under the name of "M/s. Renuka Medicals". The petitioner claim that he was doing the business in the suit premises and petitioner had claimed that the suit premises were let out to the partnership firm by name M/s. Renuka Medicals. The Agreement dated 9.1.1981 also discloses that the suit premises were let out to Futarmal Jain independently and individually and not to the partnership firm and therefore, the partnership firm was not a tenant in the suit premises and as such the petitioner had no independent legal right or interest in the suit property. This concurrent finding recorded by both the courts below appears to be just, legal and proper and therefore would brook no interference.

4. In the result, the petition stands dismissed with no order as to costs.